



MERCHANT & GOULD P.C. P.C.

United States Patent Application

DECLARATION UNDER 37 C.F.R. § 1.63

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As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: METHOD AND APPARATUS TO PREPARE TRIM CAP MATERIAL FOR BENDING

The specification of which

- a. ☐ is attached hereto
b. ☒ was filed on April 26, 2001 as application serial no. 09/844,954 and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.
b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

For Continuation-in-Part (CIP) Applications, complete

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)
60/199,933	26, April, 2000

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below).

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

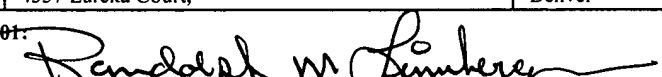
(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name Linenberger	First Given Name Randolph	Second Given Name M.
0	Residence & Citizenship	City Denver	State or Foreign Country CO	Country of Citizenship USA
1	Mailing Address	Address 4557 Eureka Court,	City Denver	State & Zip Code/Country Colorado 80239/USA
Signature of Inventor 201: 			Date: 12-21-01	



IN 09/844,954

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Linenberger Examiner: UNKNOWN
Serial No.: 09/844,954 Group Art Unit: UNKNOWN
Filed: April 26, 2001 Docket No.: 40203.2USU1
Title: METHOD AND APPARATUS TO PREPARE TRIM CAP MATERIAL FOR
BENDING

POWER OF ATTORNEY

The undersigned hereby appoints:

Albrecht, John W.	Reg. No. 40,481	Hillson, Randall A.	Reg. No. 31,838
Ali, M. Jeffer	Reg. No. 46,359	Holzer, Jr., Richard J.	Reg. No. 42,668
Altera, Allan G.	Reg. No. 40,274	Hope, Leonard J.	Reg. No. 44,774
Anderson, Gregg I.	Reg. No. 28,828	Jardine, John S.	Reg. No. P-48,835
Batzli, Brian H.	Reg. No. 32,960	Johns, Nicholas P.	Reg. No. 48,995
Beard, John L.	Reg. No. 27,612	Johnston, Scott W.	Reg. No. 39,721
Berns, John M.	Reg. No. 43,496	Kadievtch, Natalie D.	Reg. No. 34,196
Branch, John W.	Reg. No. 41,633	Kaseburg, Frederick A.	Reg. No. 47,695
Brown, Jeffrey C.	Reg. No. 41,643	Kettelberger, Denise	Reg. No. 33,924
Bruess, Steven C.	Reg. No. 34,130	Keys, Jeramie J.	Reg. No. 42,724
Byrne, Linda M.	Reg. No. 32,404	Knearl, Homer L.	Reg. No. 21,197
Campbell, Keith	Reg. No. 46,597	Kowalchyk, Alan W.	Reg. No. 31,535
Carlson, Alan G.	Reg. No. 25,959	Kowalchyk, Katherine M.	Reg. No. 36,848
Caspers, Philip P.	Reg. No. 33,227	Lacy, Paul E.	Reg. No. 38,946
Clifford, John A.	Reg. No. 30,247	Larson, James A.	Reg. No. 40,443
Cook, Jeffrey	Reg. No. 48,649	Leonard, Christopher J.	Reg. No. 41,940
Daignault, Ronald A.	Reg. No. 25,968	Liepa, Mara E.	Reg. No. 40,066
Daley, Dennis R.	Reg. No. 34,994	Lindquist, Timothy A.	Reg. No. 40,701
Daulton, Julie R.	Reg. No. 36,414	Lown, Jean A.	Reg. No. 48,428
DeVries Smith, Katherine M.	Reg. No. 42,157	Mayfield, Denise L.	Reg. No. 33,732
DiPietro, Mark J.	Reg. No. 28,707	McDonald, Daniel W.	Reg. No. 32,044
Doscotch, Matthew A.	Reg. No. P-48,957	McIntyre, Jr., William F.	Reg. No. 44,921
Edell, Robert T.	Reg. No. 20,187	Mitchem, M. Todd	Reg. No. 40,731
Epp Ryan, Sandra	Reg. No. 39,667	Mueller, Douglas P.	Reg. No. 30,300
Glance, Robert J.	Reg. No. 40,620	Nelson, Anna M.	Reg. No. 48,935
Goff, Jared S.	Reg. No. 44,716	Paley, Kenneth B.	Reg. No. 38,989
Goggin, Matthew J.	Reg. No. 44,125	Parsons, Nancy J.	Reg. No. 40,364
Golla, Charles E.	Reg. No. 26,896	Pauly, Daniel M.	Reg. No. 40,123
Gorman, Alan G.	Reg. No. 38,472	Phillips, John B.	Reg. No. 37,206
Gould, John D.	Reg. No. 18,223	Pino, Mark J.	Reg. No. 43,858
Gregson, Richard	Reg. No. 41,804	Prendergast, Paul	Reg. No. 46,068
Gresens, John J.	Reg. No. 33,112	Pytel, Melissa J.	Reg. No. 41,512
Hamer, Samuel A.	Reg. No. 46,754	Qualey, Terry	Reg. No. 25,148
Hamre, Curtis B.	Reg. No. 29,165	Reich, John C.	Reg. No. 37,703
Harrison, Kevin C.	Reg. No. 46,759	Reiland, Earl D.	Reg. No. 25,767
Hertzberg, Brett A.	Reg. No. 42,660	Samuels, Lisa A.	Reg. No. 43,080

Schmaltz, David G.	Reg. No. 39,828
Schuman, Mark D.	Reg. No. 31,197
Schumann, Michael D.	Reg. No. 30,422
Scull, Timothy B.	Reg. No. 42,137
Sebald, Gregory A.	Reg. No. 33,280
Skoog, Mark T.	Reg. No. 40,178
Spellman, Steven J.	Reg. No. 45,124
Stewart, Alan R.	Reg. No. 47,974
Stoll-DeBell, Kirstin L.	Reg. No. 43,164
Sullivan, Timothy	Reg. No. 47,981
Sumner, John P.	Reg. No. 29,114
Swenson, Erik G.	Reg. No. 45,147
Tellekson, David K.	Reg. No. 32,314
Trembath, Jon R.	Reg. No. 38,344
Tunheim, Marcia A.	Reg. No. 42,189
Underhill, Albert L.	Reg. No. 27,403

Vandenburg, J. Derek	Reg. No. 32,179
Wahl, John R.	Reg. No. 33,044
Weaver, Paul L.	Reg. No. 48,640
Welter, Paul A.	Reg. No. 20,890
Whipps, Brian	Reg. No. 43,261
Whitaker, John E.	Reg. No. 42,222
Wier, David D.	Reg. No. P-48,229
Williams, Douglas J.	Reg. No. 27,054
Withers, James D.	Reg. No. 40,376
Witt, Jonelle	Reg. No. 41,980
Wong, Thomas S.	Reg. No. 48,577
Wu, Tong	Reg. No. 43,361
Young, Thomas	Reg. No. 25,796
Zeuli, Anthony R.	Reg. No. 45,255

as attorneys and/or patent agents with the full power to represent the applicant in connection with this application.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Please direct all correspondence to Thomas H. Young, MERCHANT & GOULD P.C., P.O. Box 2903, Minneapolis, MN 55402-0903, telephone (303)357-1667.

Date: 12-21-01

By: Randolph M. Linsberg
Title (if any): Secretary of Engineering

